



A N

A C T

F O R

Dividing and Inclosing the Open Fields, Common Meadows, and Common Pastures in the Parish of *Normanton next Derby*, in the County of Derby.



I. **Preamble.** Whereas there are within the Manor and Parish of *Normanton next Derby*, in the County of Derby, several open Fields, common Meadows, and common Pastures, called the *Derby Field*, the *Underhill Field*, the *Sunny Hill Field*, the *Nether Meadow*, the *Bridge Meadow*, the *Upper Meadow*, the *Hell Meadow*, or *Prime's Meadow*, the *Dale Meadow*, the *Fallow Close*, the *Goodmore*, and the *Brook and Marsh*, containing by Estimation about

Seven hundred Acres:

And whereas the Right Honourable Francis Earl of *Huntingdon* is Lord of the Manor of *Normanton next Derby*; and the Right Honourable Nathaniel Lord *Scarsdale* is Impropriator, Proprietor, and Owner of all the Great Tythes arising upon Twenty Acres of Land in the said *Derby Field*; and *Willoughby Dixie*, Esquire, is Impropriator, Proprietor, and Owner of all other the Great Tythes arising within the said

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Manor

Manor and Parish, and is also Patron of the Vicarage of the Parish Church of *Normanton next Derby*; and the Reverend *Henry Offley Wright* is Vicar of the said Vicarage, and in Right thereof is Owner of all and singular the Vicarial Tythes arising within the said Parish; and Sir *Henry Harpur*, Baronet, the said *Willoughby Dixie*, *Samuel Crompton*, Esquire, and others, are the Owners and Proprietors of all the said open Fields, common Meadows, and common Pastures;

And whereas the said open Fields, common Meadows, and common Pastures are, in their present Situation, incapable of Improvement, and it would be advantageous to the several Persons interested therein if the same were divided and inclosed; But as such Division and Inclosure cannot be effectually made without the Authority of Parliament;

May it therefore please Your MAJESTY,

That it may be **Enacted**; And be it **Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Wyatt of Seany Park*, in the County of *Stafford*, *Thomas Harpur of Etwall*, in the County of *Derby*, and *John Beighton the younger of Radbourn*, in the said County of *Derby*, Gentlemen, and their Successors, to be elected in Manner herein after-mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting the said open Fields, common Meadows, and common Pastures intended by this Act to be divided and inclosed, and for putting the same in Execution.

Allotment to
Mr. Dixie.

And be it further **Enacted**, That the said open Fields, common Meadows, and common Pastures shall be surveyed and admeasured by the said *William Wyatt*, *Thomas Harpur*, and *John Beighton*, or by some or One of them, or in case of their Death or Refusal by such Person or Persons as the said Commissioners, or any Two of them, shall appoint, within Six Calendar Months, or as soon as conveniently may be after the Passing of this Act; which Survey shall be reduced into Writing, and laid before the said Commissioners, or any Two of them, at any of their Meetings to be held by virtue of this Act, whenever they shall require the same: And that within Three Calendar Months from and after the said Survey shall be made, or as soon after as conveniently may be, the said Commissioners, or any Two of them, shall and they are hereby authorized and required to set out unto and for the said *Nathaniel Lord Scarsdale*, *Willoughby Dixie*, and *Henry Offley Wright*, so much and such Parts of the said open Fields, common Meadows, and common Pastures, as shall, in the Judgment of the said Commissioners, or any Two of them; be equal to One full Seventh Part

(Quantity

(Quantity and Quality considered) of all the tytheable Lands within any of the said open Fields, common Meadows, and common Pastures intended by this Act to be divided and inclosed; which said Seventh Part, so to be set out to the said *Nathaniel Lord Scarsdale, Willoughby Dixie, and Henry Offley Wright*, is to be in Lieu of, and full Satisfaction for, all Great and Small Tythes, of every Kind and Sort, and all *Easter Dues* (Surplice Fees only excepted) arising, renewing, or increasing within the said open Fields, common Meadows, and common Pastures; out of which said Seventh Part the said Commissioners, or any

4 Two of them, shall then set out and allot to and for the said *Nathaniel Lord Scarsdale* so much and such Quantity of Ground as shall, in the Judgment of the said Commissioners, or any Two of them, be an Equivalent for the Great Tythes of the said Twenty Acres of Land in the said *Derby Field*; and shall, out of the said Seventh Part, set out and allot to and for the said *Henry Offley Wright* and his Successors, Vicars of the said Vicarage, so much and such Quantity of Ground as shall, in the Judgment of the said Commissioners, or any Two of them, be of the clear yearly Value of Fifteen Pounds, to be let upon a Lease for Twenty-one Years; and shall then allot to and for the said *Willoughby Dixie* all the Residue and Remainder of the said Seventh Part of Land: And shall then set out and allot all the Residue and Remainder of the said open Fields, common Meadows, and common Pastures, hereby intended to be divided and inclosed, unto and amongst the said *Willoughby Dixie, Sir Henry Harpur, Samuel Crompton*, and the several other Owners and Proprietors who at the Time of making the Award, herein after-mentioned and directed to be made by the said Commissioners, shall be intitled to Lands within any of the said open Fields, common Meadows, and common Pastures, in Proportion to their respective Shares and Interests in the same, due Regard being had to the Quality as well as Quantity of the Lands so to be set out and allotted, and to the Convenience and

5 Contiguity of the same to the Houses and ancient Inclosures of the several Proprietors.

Provided always, and be it Enacted; by the Authority aforesaid, That in case there shall be any Commons or waste Land and Grounds inclosed by virtue of this Act, that then the said Commissioners, or any Two of them, shall and they are hereby authorized and required, in the First Place, to set out and allot unto and for the said *Francis Earl of Huntingdon*, for and in Lieu and Recompence of his Right of Soil as Lord of the Manor of *Normanton next Derby* aforesaid in and over the said Commons or waste Land and Grounds, One full Sixteenth Part or Share thereof; and shall then set out and allot the then Residue of the said Commons or waste Land and Grounds unto and amongst the several Proprietors who at the Time of making such Allotments shall be intitled to Lands, Property, and Right of Common in the said Commons or waste Land and Grounds, in Proportion to their

Allotments to
the Rest of the
Proprietors.

Allotment of
Commons
and waste
Land, if any,
shall be in-
closed.

their several Shares, Interests, and Right of Common therein, subject to the Rules, Orders, and Directions herein contained.

Allotment to
Persons in
Trust.

And be it further Enacted, That the said Commissioners, or any Two of them, shall and may set out and allot unto and for such Person and Persons respectively who at the Time of the Allotment so to be made in pursuance of this Act shall be seised of any Land or Ground in the said open Fields, common Meadows, and common Pastures, in Right of or in Trust for any Hospital, School, or other publick Use, such Parcel or Parcels of the said open Fields, common Meadows, and common Pastures, as shall, in the Judgment of the said Commissioners, or any Two of them, be such respective Person or Persons Proportion or Proportions thereof, after a Deduction of so much as shall, in the Judgment of the said Commissioners, or any Two of them, be equal in Value to his, her, or their respective Proportion of the Expence of the Outside-Mounding or Fencing such Allotment or Allotments respectively, and of the Charges and Expences incident to the obtaining, passing, and executing this Act, and of such other Expences as are herein after directed to be paid and borne for them respectively by the Rest of the Owners or Proprietors of Land in the said open Fields, common Meadows, and common Pastures. 6

Allowing an
Exchange of
Lands.

And be it further Enacted, That for the more convenient Situation and Disposition of the several Farms and Lands to the Owners and Occupiers thereof upon the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and impowered to set out, allot, and appoint any House, Barn, or other Building, or Part or Parcel of any ancient inclosed Lands lying within the said Parish of *Normanton next Derby*, which belong to any of the Owners or Proprietors who shall have in him, her, or them, any Estate of Inheritance in Fee Simple, Fee Tail, or being Tenant for Life or Lives, of Lands or Grounds lying in the said open Fields, common Meadows, and common Pastures intended by this Act to be divided and inclosed, in Lieu of, and Exchange for, any other House, Barn, or Building, or for other Grounds and Lands lying in the said open Fields, common Meadows, and common Pastures, so intended to be divided and inclosed as aforesaid, or in Lieu of, or Exchange for, any other inclosed Lands or Grounds within the said Parish of *Normanton next Derby*, so as all and every such Exchange or Exchanges be ascertained, specified, and declared in the said Award or Instrument, and so as every such Exchange be made by and with the Consent and Approbation of the Owners or Proprietors interested therein, who shall have such Estate of Inheritance in Fee Simple, Fee Tail, or being Tenant for Life or Lives, testified under their respective Hands and Seals; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever. 7

Provided

Provided also, That if any Infant or other Person under any Disability or Incapacity shall be Owner or Owners, Proprietor or Proprietors of such Houses, or other Buildings, Lands, and Grounds, it shall be lawful for any Guardian or Trustee for such Infant or other Person under any Disability or Incapacity to consent to such Exchange on the Behalf of such Infant or other incapacitated Person, such Exchange being testified, ascertained, specified, and declared as above-mentioned.

And be it further Enacted, That in case any Dispute or Difference shall arise between any of the Parties interested in the said intended Division and Inclosure, touching or concerning their respective Rights and Interests which they or any of them now have or claim to have in the said open Fields, common Meadows, and common Pastures so intended to be divided and inclosed as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and required, upon Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two of them, are hereby authorized to administer) and upon such and other proper Enquiry and sufficient Evidence finally to determine the same.

Provided nevertheless, and it is hereby Enacted and Declared, That the said Commissioners in making such Allotments shall have due Regard to the Situation and Quality as well as Quantity, both of the Lands belonging to each Person interested, and the Right of Common and other Property of every such Person, and to the Situation and Quality as well as Quantity of the Lands so to be assigned and allotted in Lieu thereof.

And be it further Enacted, That the said Commissioners, or any Two of them, shall and they are hereby authorized and required to set out, ascertain, and appoint, both publick and private Roads, Highways, and Foot-ways, in, over, and through the said intended Inclosures, of such Breadth as they in their Judgment shall think necessary, so as all publick Roads so to be by them set out and ascertained shall be and remain Sixty Feet between the Ditches, which publick Roads shall at all Times for ever thereafter be repaired and kept in Repair in such Manner as other publick Roads and Highways are by the Law directed to be repaired; and after the making the said Roads and Ways so set out, ascertained, and appointed, it shall not be lawful for any Person, either on Foot, or with Horses, Cattle, or Carriages, to use or claim the Use of any other Roads or Ways, either publick or private, in, over, or through the said new Inclosures, or any Part thereof; and all former Roads and Ways, or so much thereof as shall not be set out and appointed as Roads or Ways in, over, and through the Lands intended to be divided and inclosed by virtue of this Act, shall

be deemed Part of the Lands to be divided and inclosed, and shall be divided and allotted as Part thereof.

For keeping
up Fences.

And be it further Enacted, That all the Hedges, Ditches, Stoops, and Rails, Gates, Stiles, and Fences to be made for the dividing and inclosing the said open Fields, common Meadows, and common Pastures pursuant to this Act, shall be made and at all Times afterwards repaired and maintained by the respective Proprietors of the new Shares and Allotments, in such Manner as the said Commissioners, or any Two of them, shall in that behalf order, direct, and appoint, except the Ring-fences to be made to inclose the Allotments so as aforesaid to be set out and allotted to the said *Nathaniel Lord Scarf-dale*, and the said *Henry Offley Wright* and his Successors, Vicars of the said Vicarage; which said Ring-fences shall be made at the Expence of the several Proprietors of Lands, Grounds, and impropriate Tythes hereby intended to be divided and inclosed, in such Manner as the said Commissioners, or any Two of them, shall direct and appoint, and shall for ever thereafter be repaired by the said *Nathaniel Lord Scarf-dale*, and the said *Henry Offley Wright* and his Successors, Vicars of the said Vicarage for the Time being.

For putting
down Posts
and Rails.

And be it further Enacted, That for the better preserving the young Hedges intended to be planted for dividing the said open Fields, common Meadows, and common Pastures, it shall and may be lawful to and for the respective Persons to whom any Share or Allotment shall be allotted by virtue of this Act, from time to time and at all Times during the Term of Ten Years next after the Signing and Sealing the said Award or Instrument herein-after mentioned, to set down Posts and Rails, or any other Fence on the Outside the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, and to back-trench the said Posts and Rails, or other Fence, by digging within the said Space of Three Feet, and at any Time before the End of the said Term to remove, take, and carry away such Posts and Rails, or other Fences, and convert the same to their own respective Uses.

To prevent
Sheep or
Lambs being
depastured on
the new Inclo-
sures.

And be it further Enacted, That for the better preserving the said young Hedges, it shall not be lawful for any Person or Persons to depasture or keep any Sheep or Lambs upon any of the new Inclosures to be made by virtue of this Act, for the Space of Seven Years from the making the said Award or Instrument, unless the Persons respectively so depasturing or keeping Sheep or Lambs do effectually at their own Expence guard and fence their Neighbours Quicksets adjoining to such Inclosures respectively in which Sheep or Lambs shall be kept as aforesaid, so as to prevent any Damage or Injury from being done to the said Fence or Quicksets by any such Sheep or Lambs; and the Persons respectively depasturing such Sheep or Lambs as aforesaid, and neglecting

neglecting or refusing to guard their Neighbours Quicksets as aforesaid, shall be liable to pay all such Damages as shall be sustained by any Person or Persons whomsoever, by reason or on account of such depasturing and keeping Sheep or Lambs as aforesaid, to be recovered by Application to the General or Quarter Session of the Peace for the

12 County of *Derby* in a summary Way; which Matter such Court of Sessions is hereby authorized and empowered to hear and finally determine, and to cause the Damages to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Order of the said Court, with reasonable Costs, returning the Overplus (if any) to the Owner thereof.

And be it further Enacted, That convenient Gaps and Openings Gaps to be shall be left in the said Fences and new Inclosures for the Space of ^{left.} Twelve Calendar Months next after the Execution of the said Award or Instrument for the Passage of Cattle, Carts, and Carriages in, by, and through the same, unless the several Parties interested therein shall agree that the same shall be sooner made up, or the said Commissioners, or any Two of them, shall direct to the contrary.

And be it further Enacted, That as soon as conveniently may be after the said Commissioners, or any Two of them, shall have completed and finished the said Partitions and Allotments of the said open Fields, common Meadows, and common Pastures hereby intended to be divided and inclosed as aforesaid, pursuant to the Purport and Directions of this Act, they, or any Two of them, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall contain and express the Quantity in Statute-measure of Acres, Rods, and Perches contained in the said open Fields, common Meadows, and common Pastures so intended to be divided and inclosed as aforesaid, and the Quantity of each and every Part and Parcel thereof assigned and allotted to or exchanged with each and every of the Proprietors intitled to and interested in the same, and a Description of the Situation, Buttals, and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing the same Parcels and Allotments, and for making and laying out the publick and private Roads, Ways, and Passages in and through the same Premises intended to be inclosed; and shall also express and contain such other Orders, Regulations, and Determinations as shall be proper and necessary to be inserted therein, conformable to the Tenor and Purport of this Act; Two Parts of which said Award or Instrument shall be fairly ingrossed on Parchment, and signed and sealed by the said Commissioners or their Successors, or any Two of them; whereof One shall be left with and inrolled by the Clerk of the Peace or *Custos Rotulorum* of the said County of *Derby* for the Time being, or in some of his Majesty's Courts of Record at *Westminster*, and the other Part thereof shall

shall be put into and kept in the Box or Chest wherein the Papers and Books relating to the Parish of *Normanton next Derby* aforesaid are usually kept, to the end Recourse may be had to the same by any Person or Persons interested in the said Inclosure and Division; and a true Copy of that Part which shall be so enrolled as aforesaid shall from time to time be allowed and admitted in all Courts whatsoever as legal Evidence of the same; which said Copy such Officer is hereby required to make and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy after the Rate of Two Pence *per Sheet*, reckoning Seventy-two Words to each Sheet; and any Person or Persons interested therein shall have Liberty to inspect and peruse the same, paying to such Officer for every such Inspection or Perusal One Shilling and no more; and that the several Allotments, Divisions, or Exchanges, and all Orders, Directions, Regulations, and Determinations, so to be made as aforesaid in and by such Award or Instrument, shall be binding and conclusive unto and upon all Persons entitled to or claiming any Lands or other Property in the said open Fields, common Meadows, and common Pastures.

Right of
Common
and Tythes
to cease,

and Leases to
be void.

And be it further Enacted, That the several Lands and Grounds to be divided, assigned, exchanged, set out, allotted, and appointed unto and for the several Persons who by virtue of this Act shall at the Time of the Execution of such Award or Instrument as aforesaid be entitled to the same, shall be and are hereby vested in them respectively, in full Bar of and Compensation for the respective Properties and Interests in the said open Fields, common Meadows, and common Pastures which he, she, or they had before the Passing of this Act, or immediately before the said Allotments made; and that from and immediately after the making of the said Divisions and Allotments, and the Execution of the said Award or Instrument of such Tenor or Purport as afore-mentioned, or as soon thereafter as the said Commissioners, or any Two of them, shall by virtue of the said Award or Instrument appoint, all Tythes in the said open Fields, common Meadows, and common Pastures shall cease, determine, and be for ever extinguished; and that all and every Lease and Leases subsisting of all or any Part or Parts of the said open Fields, common Meadows, common Pastures, or Tythes therein, and all other Agreements for any Time or Term therein, shall, immediately upon such Division and Allotment being made, and such Award or Instrument being executed as aforesaid, or so soon after as the said Commissioners, or any Two of them, shall by their said Award or Instrument appoint, cease, determine, and be void, the respective Owners or Proprietors who have made any such Lease or Leases, or Agreement or Agreements, making such Satisfaction to such his, her, or their Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Two of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on account of, or as an Equivalent for the same.

16
And

And be it further Enacted, That all and every Person and Persons to whom any Share or Shares of the Lands and Grounds, so to be divided and inclosed, shall be allotted, and his, her, and their Heirs, Successors, and Assigns respectively, shall, within Six Calendar Months next after the Execution of the said Award or Instrument (publick Notice being given for that Purpose in the Parish Church of Normanton aforesaid on some Sunday immediately after Divine Service; which Notice the said Commissioners, or any Two of them, are hereby required to cause to be so given and published within One Calendar Month or as soon as conveniently may be after the Execution of the said Award); and they are hereby obliged to accept the Share or Shares which shall by the said Award or Instrument be allotted to them respectively, and shall and may hold and enjoy their said several and respective Allotments in Severalty, and shall have the same or like Estate and Interest in such respective Allotments, so to be inclosed, as they respectively have in their several Properties in Lieu whereof such Allotments respectively shall be made, without any Claim, Title, or Disturbance to be made or given one to another by any of the Persons interested in the said Premises respectively, or any other claiming, or to claim by, from, or under them respectively, or their respective Heirs, Successors, and Assigns; and any Person who shall neglect or refuse to accept of any such Allotment within the Time herein before limited, shall be totally excluded from having or receiving any Benefit or Advantage by this present Act, save upon the Terms herein expressed; and shall also be excluded from any Estate or Average whatsoever, in any of the Lands or Grounds to be allotted to any other Person or Persons as aforesaid.

And be it further Enacted, That the Guardians, Husbands, Trustees, Committees, or Attornies of, or Persons acting as Guardians, Trustees, Committees, or Attornies for, any Person or Persons, being Infants, Lunaticks, Ideots, Femes-covert, or beyond the Seas, or otherwise incapable by Law to accept any such Allotment, shall be and are hereby enabled and required to accept thereof for the Use of such Person or Persons; and also that any Person or Persons intitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, or otherwise howsoever, shall be and is and are hereby respectively enabled to take and accept of such Allotment or Allotments; and every such Acceptance respectively shall be and is hereby declared to be valid and effectual to all Intents and Purposes whatsoever.

Provided nevertheless, That the Non-claim or Non-acceptance of any Guardian, Husband, Committee, Trustee, Tenant for Life, or Attorney, shall not exclude or any way prejudice the Claim or Acceptance of any Infant, Feme-covert, or other Person under such Dis-

ability or Incapacity as aforesaid, who shall claim or accept within One Year next after such Disability or Incapacity shall be removed; nor shall exclude or prejudice any Person or Persons intitled as Heir in Remainder after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept within One Year next after his, her, or their Right, Title, or Interest shall have descended, vested, or accrued.

For disposing
of Trees or
Shrubs.

And be it further Enacted, That in case any Lands or Grounds upon which any Trees, Underwoods, Hedges, Bushes, or Shrubs, at the Time of making such Allotments shall be standing, growing, or being, shall be allotted or assigned to any Person or Persons, other than such as was or were the Owner or Owners, Proprietor or Proprietors thereof, at and immediately before such Allotments, then and in such Case it shall and may be lawful to and for such Owners and Proprietors thereof respectively, at any seasonable Time or Times, within the Space of Nine Calendar Months after such Allotment shall be made, to enter into and upon the Lands and Grounds upon which such Trees, Under-woods, Hedges, Bushes, or Shrubs shall be standing and being, and to fell and cut down, and with Horses, Carts, and Carriages to take and carry away the same at his and their Wills and Pleasures, and to and for his and their respective Use and Benefit.

For borrow-
ing Money.

And whereas several Persons interested in the Lands and Grounds so intended to be divided and inclosed as aforesaid may be under some Disability, and have Occasion to borrow Money for the Purposes of this Act; **Be it therefore further Enacted,** That it shall and may be lawful to and for the Husbands, Guardians, Trustees, or Committees of any Owner or Proprietor of the said Lands and Grounds, or Persons interested as aforesaid, being under Coverture, Minors, Lunaticks, or beyond the Seas, and to and for any of the said Owners being Tenants in Tail or for Life only, by and with the Consent and Approbation of the said Commissioners, or any Two of them, testified in Writing under their Hands and Seals, from time to time to charge the Lands and Grounds, which shall be assigned and allotted to them the said Owners and Proprietors respectively, by virtue and in pursuance of this Act, with any Sum or Sums of Money for the Purposes before-mentioned, not exceeding Two Pounds an Acre; and for securing the Repayment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, demise, or otherwise subject the Lands and Grounds so to be assigned and allotted as aforesaid, unto such Person or Persons as shall be willing to advance and lend the same respectively, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum and Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied;

and

81 and so as upon every such Grant and Demise, which shall be made by any Person or Persons who shall be seised or possessed of the Premises so to be mortgaged for any Estate, Term, or Interest, determinable with his, her, or their own Life or Lives, he, she, or they shall respectively enter into, covenant unto, or in Trust for, the Person or Persons entitled to the Inheritance of the same Premises immediately after the Death of the Person or Persons so mortgaging or demising respectively, for the due Payment of the Interest of the Money to be so borrowed and secured as aforesaid, during his, her, and their Life and Lives respectively, in such Manner that no Person, afterwards becoming possessed of such Lands and Grounds, shall be subject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue and commence; and every such Grant, Mortgage, Lease, or Demise of the said Land, Ground, and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in Law for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such, or in the said Tenants in Tail or for Life; any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance of or concerning the same Lands, Grounds, and Premises, or any Part or Parts thereof, then in being or capable of taking Effect to the contrary notwithstanding.

21 **And be it further Enacted**, That nothing in this Act contained shall be deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, Rent, Out-rents, Quit-rents, Chief Rents, Fee-farm Rents, Incumbrances, or other Demand, out of, upon, or affecting any of the Lands intended to be divided and inclosed as aforesaid (other than and except such Lease or Leases or Agreements as aforesaid) or any of the Lands, Tenements, or Hereditaments which shall be exchanged, or parted and divided, in pursuance of this Act; but that the several Lands, Tenements, and Hereditaments, so to be allotted, exchanged, or parted and divided as aforesaid, shall, immediately after such Allotment, Exchange, Partition, and Division respectively as aforesaid, be, remain, and enure to the several Persons to whom the same shall be so allotted or given, either in Exchange or upon such Partition and Division as aforesaid; and such Persons shall from thenceforth for ever stand and be seised thereof respectively, to such and the same Uses, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Rents, Out-rents, Quit-rents, Chief Rents, Fee-farm Rents, Incumbrances, and other Demands (other than and except such Lease or Leases and Agreements as aforesaid) as he, she, or they respectively would have stood seised of his, her, or their several Lands, Tenements,

No Will or
Settlement to
be affected.

ments, or Hereditaments, liable to be allotted or exchanged, or parted and divided as aforesaid, in case the same had remained uninclosed, unexchanged, and undivided, or this Act had not been made.

Commissioners to order the Course of Husbandry.

And be it further Enacted, That from and immediately after the Passing of this Act, the said Commissioners, or any Two of them, shall order, direct, and appoint the Course of Husbandry that shall be used in the Tillage Part of all the said open Fields, until such Time as they shall have completed their said Award; and that all and every Person's Estate in the same shall during that Space be liable and subject to such Directions as the said Commissioners, or any Two of them, shall appoint, as well with regard to the stocking, as to the ploughing, tilling, sowing, or laying down the same.

Commissioners to give Notice of their Meetings.

And be it further Enacted, That the said Commissioners, or any Two of them, do and shall and they are hereby required to give publick Notice in the Parish Church of *Normanton next Derby* aforesaid, upon some *Sunday* immediately after Divine Service, and also in the *Derby News-paper*, of the Time and Place of the First and every other Meeting of the said Commissioners for executing the Powers hereby vested in them, at least Ten Days before every such Meeting (Meetings by Adjournment only excepted). 23

How new Commissioners are to be chosen.

And be it further Enacted, That when and as often as any of the said Commissioners appointed by this Act, or to be elected in the Manner herein after-mentioned, shall die or refuse to act, the Persons who respectively for the Time being shall be interested in the said Lands and Grounds intended to be divided and inclosed as aforesaid, or the major Part of them in Number and Value, do and shall from time to time, within Two Calendar Months next after the Death or Refusal to act of any Commissioner or Commissioners, by Writing under their Hands and Seals, appoint One or more Commissioner or Commissioners, not interested in the said intended Division and Inclosure, instead of such Commissioner or Commissioners so dying or refusing to act; and every Commissioner or Commissioners, so to be appointed as aforesaid, shall have the like Power and Authority by virtue of this Act as the Commissioner or Commissioners, in whose Place or Places he or they shall succeed was or were vested with; provided that publick Notice be given in the Parish Church of *Normanton next Derby* aforesaid, or in the *Derby News-paper*, of the Time and Place of chusing such Commissioners, at least Ten Days before such Meeting; and in the mean Time, or in Default of such Appointment, the surviving or acting Commissioners or Commissioner shall and may proceed in and about the completing and finishing the said intended Division and Inclosure, and in executing all other Powers vested in the said Commissioners by this Act. 24

And

And be it further Enacted, That the Charges and Expences of ^{Expences of} passing this Act, and all the Costs and Charges attending the same, ^{this Act how} to be defrayed, and all the Costs and Charges of surveying, admeasuring, dividing, and allotting the said Lands and Grounds, so intended to be divided and inclosed as aforesaid, and of preparing and inrolling the said Award or Instrument, and all other Charges and Expences of the said Commissioners, and other necessary Expences about and concerning the said Premises, shall be borne and defrayed by all the Proprietors and Owners of Lands in the said open Fields, common Meadows, and common Pastures, so appointed to be divided and inclosed, by an equal Pound Rate, according to the Value of the Lands and Grounds each Person shall have allotted to him, her, or them by virtue of this Act (save and except the said *Henry Offley Wright* and his Successors, Vicars of the said Vicarage of *Normanton next Derby*, in respect of the Allotment or Allotments, in Lieu of Tythes, in the said open Fields, common Meadows, and common Pastures, due to the said Vicarage) to be settled, adjusted, and determined by the said Commissioners, or any Two of them; and that in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion, Shares or Proportions of such Charges or Expences, within the Time to be limited by the said Commissioners, or any Two of them, to such Person or Persons as they, or any Two of them, shall appoint to receive the same, then the said Commissioners, or any Two of them, shall and may, by Warrant under their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons so neglecting or refusing to pay the same; rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses and Sale or Sales or otherwise it shall and may be lawful to and for the said Commissioners, or any Two of them, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take the Rents and Profits thereof, until thereby or therewith the Share or Shares, Proportion or Proportions, of the said Costs and Charges awarded and appointed by the said Commissioners, or any Two of them, to be paid by such Person or Persons as aforesaid, and all such Costs, Charges, and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

26 And be it further Enacted, That no Person or Persons shall be capable of acting as a Commissioner or Commissioners in the Execution of the Powers given by this Act (unless it be the Power hereby given of administering Oaths) until he and they shall have taken and subscribed an Oath to the Effect following:

D

I A. B.

I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, hear and determine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of an Act " for dividing and inclosing the open Fields, common Meadows, and common Pastures within the Parish to of Normanton next Derby, in the County of Derby," without Favour or Affection to any Person whatsoever:

Which Oath it shall and may be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners; and the said Oath, so taken and subscribed by each Commissioner, shall be inrolled in the same Place, and at the same Time as the Award or Instrument of Allotment made by the said Commissioners is in and by this Act directed and enacted to be inrolled.

Persons aggrieved may appeal to the Quarter-Sessions.

And be it further Enacted, That if any Person or Persons shall think, him, her, or themselves aggrieved by any Thing done in pursuance of this Act (other than and except such Orders and Determinations of the said Commissioners, which are herein-before declared to be final and conclusive) then and in every such Case he, she, or they may appeal to the next General Quarter Sessions of the Peace which shall be held for the said County of Derby, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in their said General Quarter Session are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, or elsewhere.

Saving to the Lords of the Manor.

Provided also, and it is hereby further Enacted, That nothing herein contained shall be construed to defeat, lessen, or prejudice the Right, Title, and Interest of the said *Francis Earl of Huntingdon*, his Heirs and Assigns, of, to, or in the Seigniories and Royalties incident and belonging to him as Lord of the Manor of *Normanton next Derby* aforesaid; but that the said *Francis Earl of Huntingdon*, and all future Lords of the said Manor, shall and may, from time to time and at all Times for ever hereafter, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Mines, Goods and Chattels of

of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and other Royalties and Seigniories to the said Manor belonging, or in any-wise appertaining, in as full, ample, and beneficial Manner, to all Intents and Purposes, as he the said *Francis Earl of Huntingdon* now holds and enjoys the same; other than and except such Right of Common as could or might be claimed by the said *Francis Earl of Huntingdon*, as Lord of the said Manor, or otherwise, upon the Premises so to be divided and inclosed.

Saving always to the KING's most Excellent MAJESTY, General his Heirs and Successors, and all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns (other than and except the Parties to whom Allotments shall be made for their Properties or Interests in or in respect of the said Fields and Grounds by virtue of this Act, their Heirs, Successors, Executors, Administrators, and Assigns respectively) all such Estate and Interest as they, every or any of them, had and enjoyed of, in, to or out of the said Fields and Grounds, so to be divided and inclosed as aforesaid, before the Passing of this Act, or could or might have had or enjoyed in case the same had not been made.

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Dividing and Inclosing the Open
Fields, Common Meadows, and
Common Pastures in the Parish
of *Normanton next Derby*, in the
County of *Derby*.

[1768.]

